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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,001	01/13/2004	Lanny D. Billings	BILL-002	3313
7590	07/13/2005		EXAMINER	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,001

Applicant(s)

BILLINGS, LANNY D.

Examiner

Robert Rose

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-17 and 20-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 20 and 21 is/are allowed.  
6) ☒ Claim(s) 1-5, 7-9, 12, 15-17 and 22 is/are rejected.  
7) ☒ Claim(s) 10, 11 and 14 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 6, and 18-19 have been canceled.
2. Claims 20-22 have been added.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5,9, 15-17, and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Story. Story discloses in figures 1-14, a stone cutting system comprising all of the subject matter set forth in Applicant's claims above. Note retaining unit(40) which forms a trough for receipt of the stone(41), and cutting unit(42) having at least one blade(43) which saws through the stone(41). The stone cutting system of Story appears fully capable of securing and cutting a plurality of stone members. Note use of plural saw blades in figures 11-12.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of French 927679. The French patent discloses cutting a plurality of stones into slices by securing the stones and applying a compression member to one side of the stones to move the stones into engagement with the cutting wheel(5). To provide an

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actuator and compression member at one end of the trough in Story, to advance the stones into contact with the cutting wheel, would have been obvious in view of French('679).

7. Claims 4, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story. With regard to claim 4 to make the width of the trough adjustable to accommodate different sized workpieces would have been at most an obvious matter of design choice to those of ordinary skill in the art. To make the floor of the trough removable for servicing and replacement would have been at most an obvious design expedient to those of ordinary skill in the art.

8. Claims 10-11, and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 20-21 are allowed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eyles is cited of interest to show a stone cutting system with elongated trough, compression member, and rotary cutter.

11. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

12. In view of the new grounds of rejection not necessitated by Applicant's response, this action is not made final.

13. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (571) 272-4494.

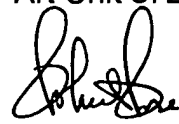
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July 8, 2005.

Robert Rose  
Primary Examiner  
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A handwritten signature in black ink, appearing to read 'Robert Rose', located below the printed name and title.